

**9-104. Waiver of appearance.**

*[For use with District Court Rule 5-612 NMRA;  
Magistrate Court Rule 6-109 NMRA,  
Metropolitan Court Rule 7-109 NMRA and  
Municipal Court Rule 8-108 NMRA]*

STATE OF NEW MEXICO  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]  
\_\_\_\_\_ COURT

[STATE OF NEW MEXICO]  
[CITY OF \_\_\_\_\_]

v.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant

**WAIVER OF APPEARANCE**

I understand that I am charged with the following criminal offense or offenses under the law of the [State of New Mexico] [City of \_\_\_\_\_]: \_\_\_\_\_  
\_\_\_\_\_ (*list all offenses charged*).

I understand that I am entitled to personally appear before the court at every stage of the criminal proceedings.

I have received and read a copy of the complaint or citation or had the complaint or citation read to me. I understand the offense or offenses charged and the penalty provided by law if I am convicted.

After reading and understanding the above, I request that the court permit me to waive a

personal appearance in court for the following proceedings:

*(check applicable boxes)*

- ☐ all proceedings in this case;
- ☐ arraignment;
- ☐ plea;
- ☐ bail or conditions of release;
- ☐ trial;
- ☐ imposition of sentence.

I plead to all of the charges in the complaint or citation:

*(check one, if applicable)*

- ☐ guilty.
- ☐ not guilty.
- ☐ no contest.

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Signature of defendant

### **CERTIFICATE OF DEFENSE COUNSEL**

*(To be completed if the defendant is represented by counsel)*

I have explained to the defendant the right to personally appear before the court at all stages of the criminal proceedings and the defendant's right, if any, to a trial by jury and I am satisfied that

the defendant understands the waiver of rights.

\_\_\_\_\_  
Defense counsel

\_\_\_\_\_  
Date

### **APPROVAL OF JUDGE**

Permission to waive appearance is

☐ granted under the following conditions \_\_\_\_\_ (*list any conditions*).

☐ denied.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

### **USE NOTE**

This form has been prepared for the district, magistrate, metropolitan and municipal courts. It may be modified to delete parts which are inapplicable in municipal court proceedings or petty misdemeanors.

[As amended, effective November 1, 1996; November 1, 2000; May 15, 2003; as amended by Supreme Court Order No. 06-8300-08, effective May 1, 2006.]